

ARTICLE 44

SEC. 21-44 REGULATIONS FOR RESIDENTIAL CONDOMINIUM CONVERSIONS.

44.1 Purpose: The purpose of this Article is to ensure safe housing by the establishment of performance criteria for the conversion of existing residential structures to owner occupied single-family residential uses. **(Ord. No. 1749, 7/7/1988)**

44.2 Applicability: The regulations of this Article shall apply to the conversion of existing residential structures originally built for sale, rent or lease to residential condominiums, stock cooperatives, timeshare condominiums or similar developments.

44.3 Major use permit required: Any proposal for the conversion of existing residential structures to a condominium stock cooperative, timeshare condominium or similar development is permitted in all districts subject to first obtaining a major use permit in each case.

44.4 Definitions:

- (a) Apartment: A rental dwelling unit in a structure designed or used to house two or more families living independently of each other;
- (b) Condominium, including but not limited to, residential condominium, stock cooperative or timeshare condominium: A separately owned dwelling unit in a building containing two or more units, as defined in Section 783 of the Civil Code;
- (c) Project: The entire parcel of real property, including all structures, all or part of which is currently rented or leased as apartments and which is proposed to be converted to condominiums and divided, as land or air space, into two or more lots, parcels or units.
- (d) **Repealed (Ord. No. 1749, 7/7/1988)**
- (e) **Repealed (Ord. No. 1749, 7/7/1988)**

44.5 Application requirements:

- (a) The applicant for a condominium conversion shall provide the County with a use permit application which shows in detail: **(Ord. No. 1749, 7/7/1988)**
 - 1. Copy of tentative subdivision map;
 - 2. Dimensions and locations of each building and dwelling unit;
 - 3. Location of each common area;
 - 4. Location and dimensions of each parking garage, carport, parking area, accessway or other on-site area reserved for vehicular use; **(Ord. No. 1749, 7/7/1988)**

5. Areas for exterior storage space for individual occupants;
 6. Location of all amenities to be provided within common areas for the enjoyment and use of individual unit owners;
 7. Landscape plan which specifies plant location, species, quantity and size.
- (b) Economic and demographic information: The applicant requesting approval of a condominium conversion shall also provide the County with specific information concerning the economic and demographic characteristics of the project, including, but not limited to, the following:
1. Tenant profile information, including percentage of senior citizens and families with young children, and length of occupancy for each occupant of the project and an indication of the number of tenants desiring to purchase converted units within the project;
 2. Square footage and number of rooms in each unit;
 3. Current rent for each unit, including the date and amount of the last two (2) rent increases;
 4. Estimated market value or sales price of each unit;
 5. Terms of proposed assistance, discount or other financing program to be offered to present tenants for the purchase of converted units;
 6. Availability of comparable rental units of a similar rental range within the community;
 7. Any relocation assistance to be offered by the applicant, including the payment of moving expenses incurred by the present tenants.
- (c) Tenant's notice and option: The applicant shall provide proof that each tenant:
1. Has notice per the requirements of Section 66427.1(a) of the State of California Subdivision Map Act; and **(Ord. No. 1749, 7/7/1988)**
 2. Will be given notice per the requirements of Sections 66427.1(b), (c) and (d) of the State of California Subdivision Map Act; and **(Ord. No. 1749, 7/7/1988)**
 3. A notice of intent to convert units to condominiums was posted on the premises; and
 4. A notice of public hearing on the application was mailed to each tenant postage prepaid at least 10 days before the date set for the hearing.

- (d) Structural reports: The applicant shall submit to the County Planning Department:
1. A report prepared by a California licensed architect, or civil or structural engineer detailing the structural condition of each building and structure on the property, with specific reference to the extent that any condition existing on the property is unsafe or dangerous; **(Ord. No. 1749, 7/7/1988)**
 2. A structural pest report, prepared by a California licensed structural pest control operator, relating to the presence or absence of wood-destroying pests and organisms, or dry rot; **(Ord. No. 1749, 7/7/1988)**
 3. A report prepared by a California licensed architect, or civil or structural engineer showing that the wall separation and the floor and ceiling separation between units meet the soundproof standards of the current Uniform Building Code requirements adopted by the County. **(Ord. No. 1749, 7/7/1988)**
 - i. If the report shows that these standards are not met, the applicant shall, as a condition of approval, enter into an agreement with the County, secured in the manner provided in Government Code Sections 66499-66499.10, to correct the condition within a stated period of time.
- (e) Homeowners association declaration of covenants, conditions and restrictions: At the time of filing, the applicant must provide a declaration of covenants, conditions and restrictions for the condominium project which shall provide for:
1. The homeowner's association shall be established before homes are sold;
 2. Membership shall be mandatory for each home buyer and any successive buyer;
 3. The homeowners' association shall be responsible for property taxes, and maintenance of common open space and recreational and other common facilities unless the Planning Commission approves another entity other than a homeowners' association, including provisions for:
 - i. An agreement for common area maintenance, including facilities and landscaping, together with an estimate of the initial assessment fees anticipated for the maintenance;
 - ii. Provision for maintenance of vehicular access areas within the project; and
 - iii. Provisions for maintenance of all utility lines and services for each unit.

4. Homeowners shall pay their pro-rata share of all costs of the association. The assessment levied by the association can become a lien on the delinquent homeowners' property;
 5. The association shall be able to adjust the assessment to meet changed needs.
- (f) Other information required: In addition to the information required in the above Sections, the applicant may be required to submit other pertinent information which, in the opinion of the Planning Director, will assist in determining whether the proposed conversion is consistent with the purposes of this Article.

44.6 RESERVED.

44.7 Performance standards: No proposal for condominium conversion shall be approved unless the project meets the following standards:

- (a) Insulation: Each dwelling unit shall conform to the current noise and energy insulation standards under the Uniform Building Code as adopted by the County or other applicable law or regulation.
- (b) Fire Safety: Each dwelling unit shall meet Uniform Fire Code Standards for one-hour fire separation between common walls of individual units. Each dwelling unit shall have at least one approved smoke detector capable of detecting products of combustion other than heat.
- (c) Parking: For each dwelling unit of one-bedroom or less, there shall be a minimum of one and one-half on-site parking spaces, one of which must be covered. For each dwelling unit of two bedrooms or more, there shall be a minimum of two on-site parking spaces, one of which shall be covered.
- (d) Utilities: As available, each dwelling unit shall be separately metered for gas, electricity and water, unless the County approves a plan for equitable sharing of communal metering. Separate water shut-off valves shall be provided for each dwelling unit, or for each individual fixture.
- (e) Trash areas: Each area for trash placement and pick-up shall be adequately designed, and all refuse shall be removed on a regularly scheduled basis from the premises.
- (f) Vibration mitigation: Permanent mechanical equipment which the Building Inspector determines is a potential source of vibration or noise shall be shock mounted or otherwise mounted in a manner approved by the Building Inspector to lessen the transmission of vibrations or noise.
- (g) Storage space: At least two hundred (200) cubic feet of enclosed, weatherproof, lockable storage space shall be provided for each unit. It may be either inside or

outside of the unit, but if outside, the location shall bear a reasonable relation to the location of the unit.

- (h) Directory: Addresses for all dwelling units and directory maps if found by the County to be necessary, shall be prominently displayed at appropriate places of public or private access within or adjacent to the project.

44.8 Findings required: The County shall deny approval of the application for condominium conversion unless it finds that:

- (a) The proposal is consistent with the objectives, policies and elements of the General Plan and any applicable specific plan, excluding consideration of the density of existing units, unless additional dwelling units are proposed;
- (b) The design of the project creates an acceptable balance between and provides reasonable relationships among the structures and their units, private yard areas, open spaces, parking areas and recreational facilities; and
- (c) The proposed conversion is consistent with the purposes of this Article.
- (d) The tenant notice requirements of applicable state law have been or will be met by conditions of approval of the use permit or tentative subdivision map approval.
(Ord. No. 1749, 7/7/1988)